

and provided on one floor reading rooms, dining rooms, lavatories, baths, wash-house, catering department, and servants quarters and lavatories similar to that provided for in the ordinary licensed hotel, and it is my intention, and the plan of my building is drawn for use in this manner only, that none of the guests at my hotel shall be allowed to wash in my rooms or to cook in my rooms, and that the work of their rooms shall be done by my servants, and the light shall be furnished by me, and the heat shall be furnished by me and the meals shall be furnished by me in the general dining room, and in general the whole building shall be under my control and supervision."

As shewn by Mr. Benk's affidavit in the end, as at the beginning, the permit was refused upon the ground that the erection of the proposed building "would constitute a contravention of by-law No. 6061." Upon the argument it was mentioned, but only as affecting the size of the bedrooms, that a new by-law was passed on the 1st of April instant. I have obtained a copy of this by-law 6401. It too is "a by-law for regulating the erection, and to provide for the safety of buildings," and it repeals No. 4861. Passed at a time when this motion was standing for argument, it may be that the city is not entitled to rely upon it, but as there were several stages in the applicant's proceedings I have decided to take this by-law into consideration in arriving at a conclusion. The only points to be noted are: (1) For "apartment or tenement house" this by-law adopts the definition contained in 2 Geo. V. ch. 40, sec. 10, above quoted. Under this definition, if the council had chosen to leave the matter there the narrowing effect of the definitions in the old by-law would have been avoided; and by a re-enactment of prohibitory by-law 6061 the probable object of the council might have been accomplished; (2) But, instead of this, this repealing by-law re-enacts, word for word, the definition of the former by-law as to what constitutes a lodging house, and thus again excludes from "Apartment or Tenement House" any building of the apartment house class in which cooking is not done or provided for in the several apartments.

(3) Under the new by-law bedrooms shall have a floor area of at least one hundred square feet, in hotels, apartment, tenement, and lodging houses; and

(4) Section 42, for special safeguards against fire in apartment houses, is re-enacted.